

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit G

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 COLUMBIA DIVISION
4 CASE NO. 3:21-CV-03302-MBS-TJH-RMG

5 THE SOUTH CAROLINA STATE CONFERENCE OF
6 THE NAACP, AND TAIWAN SCOTT, ON BEHALF
7 OF HIMSELF AND ALL OTHER SIMILARLY
8 SITUATED PERSONS,

9 Plaintiffs,

10 vs.

11 THOMAS C. ALEXANDER, HENRY D. MCMASTER,
12 IN HIS OFFICIAL CAPACITY AS GOVERNOR OF
13 SOUTH CAROLINA; HARVEY PEELER, IN HIS
14 OFFICIAL CAPACITY AS PRESIDENT OF THE
15 SENATE; LUKE A. RANKIN, IN HIS OFFICIAL
16 CAPACITY AS CHAIRMAN OF THE SENATE
17 JUDICIARY COMMITTEE; JAMES H. LUCAS, IN
18 HIS OFFICIAL CAPACITY AS SPEAKER OF THE
19 HOUSE OF REPRESENTATIVES; CHRIS MURPHY,
20 IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF
21 THE HOUSE OF REPRESENTATIVES JUDICIARY
22 COMMITTEE; WALLACE H. JORDAN, IN HIS
23 OFFICIAL CAPACITY AS CHAIRMAN OF THE
24 HOUSE OF REPRESENTATIVES ELECTIONS LAW
25 SUBCOMMITTEE; HOWARD KNABB, IN HIS
 OFFICIAL CAPACITY AS INTERIM EXECUTIVE
 DIRECTOR OF THE SOUTH CAROLINA STATE
 ELECTION COMMISSION; JOHN WELLS, JOANNE
 DAY, CLIFFORD J. ELDER, LINDA MCCALL,
 AND SCOTT MOSELEY, IN THEIR OFFICIAL
 CAPACITIES AS MEMBERS OF THE SOUTH
 CAROLINA STATE ELECTION COMMISSION,

 Defendants.

20 DEPOSITION OF: ANDREW THEODORE FIFFICK
21 (Appearing via VTC)

22 DATE: July 21, 2022

23 TIME: 10:10 a.m.

1 **LOCATION:** Robinson Gray, LLC
 1310 Gadsden Street
2 Columbia, South Carolina
3 **TAKEN BY:** Counsel for the Plaintiffs
4 **REPORTED BY:** KAREN M. ERNST, CSR
 (Appearing via VTC)

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1 APPEARANCES OF COUNSEL:

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4 THE NAACP, ET AL:

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6 FUND

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8 ALSO PRESENT:

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SONORA CARROLL

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1 THE REPORTER: Can I get appearances,
2 please.

3 MS. ADEN: So I'm Leah Aden, A-d-e-n,
4 and I'm appearing for the plaintiffs with the NAACP
5 Legal Defense Fund. My colleague Raymond --

6 Do you mind introducing yourself?

7 MR. AUDAIN: Raymond Audain,
8 A-u-d-a-i-n. I'm also here for plaintiffs, and I
9 work with Leah at the Legal Defense Fund.

10 MR. TYSON: Good morning, Karen. I'm
11 Rob Tyson. I'm counsel for Senator Alexander and
12 Senator Rankin, and I'm here with the deponent,
13 Andy Fiffick.

14 MS. HOLLINGSWORTH: It's Jennifer
15 Hollingsworth. I represent the House Defendants.

16 MR. TYSON: Jennifer, you sound
17 horrible when you talk, just so you know.

18 MS. HOLLINGSWORTH: Okay. Thank you.
19 I'll do my best not to talk.

20 MR. BURCHSTEAD: I'm Michael Burchstead
21 here on behalf of the Election Defendants.

22 MR. TRAYWICK: Lisle Traywick here also
23 on behalf of the Senate Defendants.

24 MS. ADEN: And I wanted to flag that
25 Sonora Carroll, who appears in the chat, is a legal

1 intern with the Legal Defense Fund, so I wanted you
2 to be aware of her.

3 MR. TYSON: And Cindy Nygord, who's
4 listed also as a participant, is a paralegal in our
5 office who is helping provide support for us.

6 THE REPORTER: Thank you.

7 ANDREW THEODORE FIFFICK
8 being first duly sworn, testified as follows:

9 EXAMINATION

10 BY MS. ADEN:

11 Q. Thank you.

12 Good morning, Mr. Fiffick.

13 A. Good morning.

14 Q. Good morning. As you know, I am Leah
15 Aden. I am counsel for the plaintiffs.

16 Do you recall that we spoke on the
17 phone before and exchanged emails in 2021 as the
18 legislature considered state redistricting plans?

19 A. Yes, ma'am.

20 Q. Okay. And again, I represent the
21 plaintiffs, specifically the South Carolina and
22 NAACP and Mr. Tai Scott.

23 Do you mind going ahead and saying your
24 full name and spelling it for the record?

25 A. My name is Andrew Theodore Fiffick.

1 Andrew Theodore Fiffick. It's F-i-f-f-i-c-k is the
2 last name. The other two are just the conventional
3 spellings, Andrew and Theodore like french fry.

4 Q. And are you a lawyer?

5 A. Yes, ma'am.

6 Q. Okay. But you are represented here
7 today by counsel; is that correct?

8 A. Yes, ma'am.

9 Q. Okay. And who?

10 A. Rob Tyson is currently here but in the
11 aggregate, my outside counsel would include Charlie
12 Terreni and John Gore. Charlie is a sole
13 practitioner here in Columbia, and John Gore is
14 with Jones Day out of DC.

15 Q. Have you taken depositions before?

16 A. No.

17 Q. So in light of that, I'm going to
18 explain some ground rules so that we sort of
19 understand some things that we should all know in
20 common. The first is that you have been sworn in.
21 You are testifying under oath, which means that you
22 are testifying with the same duty to answer
23 questions truthfully as though you were before a
24 judge in a courtroom.

25 Do you understand?

1 that you've mentioned, the attorneys of the law
2 firms that you mentioned, is there any other
3 attorney who you have sought legal advice from
4 about this case broadly?

5 A. No. No. I mean, Paula Benson is our
6 in-house senior staff attorney, but I did not seek
7 her legal advice on these maps. We outsourced it
8 exclusively to Charlie and John Gore. And Breeden
9 John also is an attorney with the Senate, but I did
10 not seek his advice on it. He was exclusively
11 helping with the technical side of the maps, not --
12 when I say technical side, the computer side of it.
13 You know, here, we need you to run a report. We
14 need you to print this map, sort of the
15 administrative side of things is what he focused
16 on.

17 Q. Explain that to me a little bit more.
18 So he's an attorney, Mr. Breeden is -- or Breeden
19 John, right?

20 A. Right. Yes, ma'am.

21 Q. Mr. John is an attorney.

22 A. Yeah.

23 Q. But he was providing support on the
24 technical side of things. Again without -- tell me
25 generally what does that mean to provide legal

1 support on the technical side?

2 A. He didn't provide legal support on the
3 technical side. He learned how to use Maptitude
4 basically in case Will Roberts got hit by a bus, we
5 would have needed somebody to do that. I think
6 Charlie knows how to use Maptitude. You know, I
7 tried to learn it some. But Breeden was mostly in
8 a worst case scenario someone that would have had
9 to step up and been the guy who knew how to use
10 Maptitude. Luckily that didn't happen.

11 Q. Did Mr. John, in fact, have to draw any
12 maps, though he learned? You said that he was
13 really a backup. Did he actually have to draw
14 maps?

15 A. Not that I recall, no, he didn't draw
16 maps.

17 Q. And would you characterize anybody else
18 besides Mr. Roberts as responsible for drawing
19 congressional maps for the legislature?

20 A. No. No. Again, the extent of my
21 experience was just to try to learn Maptitude. I
22 didn't draw anything at any direction of anybody
23 from the assembly men. Again, we wanted to make
24 sure we had backup in case Mr. Roberts was unable
25 to, you know, be around.

1 Q. So you, like Mr. John, learned
2 Maptitude so you were the second and third backup
3 for Mr. Roberts.

4 A. I would say I would be a distant third
5 and he was a second, yes.

6 Q. Okay. So just to be clear, you haven't
7 sought legal advice on congressional map making for
8 this case from the Senate's President's Office?

9 A. No.

10 Q. From the office of legislative counsel?

11 A. No. We did have to submit our -- we
12 had to submit bloc equivalency files and language
13 to legislative counsel for them to format it and
14 put it into a bill form, but they had no input as
15 to what the substance of those maps were.

16 Q. Tell me a little bit about Maura Baker,
17 who she is and her role with congressional map
18 making.

19 A. Maura is one of our staff attorneys.
20 Her primary focus is on family law, probate, does
21 some criminal stuff. She was in the room
22 40 percent of the time maybe.

23 Q. How many?

24 A. 40 percent of the time.

25 She and Madison Faulk, both of them

1 assisted in aggregating and putting together and
2 receiving public input in realtime. As we were out
3 on the road, they would be back at the office, you
4 know, making sure that anything somebody submitted
5 was archived and available, you know, for the
6 members to read if they wanted to do it. I would
7 say that was her biggest and most important role,
8 the organizational aspect of that.

9 Q. And when you mention out on the road,
10 are you referring to the Senate public hearings
11 that were held in July and August?

12 A. Yes, ma'am. Yes, ma'am. They were
13 done back then, and they also would have done it in
14 subsequent meetings back in Columbia.

15 Q. Besides being the backup in case
16 something happened to Mr. Roberts, what other roles
17 did Breeden John play in the development of
18 congressional maps?

19 A. Development of the maps, I mean, he
20 didn't. I mean, we took construction from members
21 and then we took maps that, you know, if it got to
22 the point where number one was sent to John Gore
23 for review -- I would say in terms of the word
24 development, I don't think he developed maps at
25 all.

1 Q. So did he go out and seek feedback from
2 members or was he available to members for feedback
3 and then --

4 A. We were all -- I'm sorry. Yes, ma'am.
5 We were all available. We never sought out -- we
6 never solicited feedback from members, but we, and
7 as nonpartisan staff, we, as with any other bill,
8 we had an open door policy and everybody knew they
9 could come in the map room anytime they wanted to.
10 So it wasn't a matter of us soliciting, but it was
11 a matter of us being available 24/7 to anybody.

12 Q. Now, I understand -- let me ask. Were
13 you involved in the development of the Senate maps?

14 A. Are you talking about the Senate maps
15 or the Senate version of the congressional map?

16 Q. The 46 Senate districts.

17 A. Yes, ma'am. Same situation. Yes,
18 ma'am.

19 Q. So as compared to the process for
20 developing the congressional map, would you say
21 that you also did not go out and solicit feedback
22 for the Senate districts?

23 A. Correct. We did not. Open door
24 policy. Anybody who wanted to come in could. Lots
25 more people came in for Senate than congressional

1 because there's more senators and there's more
2 districts and there's just more to it.

3 Q. And by came in, what are you referring
4 to? Came in where?

5 A. Just requested to come to the map room
6 and look at the maps.

7 Q. Maxine Henry, is that name familiar to
8 you?

9 A. Yes, ma'am.

10 Q. Who is she?

11 A. She's our proofreader.

12 Q. Is she a lawyer?

13 A. No, ma'am. Smarter than most lawyers I
14 know, but not a lawyer.

15 Q. And what is she proofreading?

16 A. She would proofread bills. And to the
17 extent that these bills really aren't the
18 traditional type of bills, she had almost no bar.
19 I mean, she goes to counts where, you know, say in
20 a probate bill, 30 page probate bill, she would
21 proofread those 30 pages to make sure that there
22 weren't typos, you know. The drafting was
23 craftier. The way these bills were developed, all
24 of them went through legislative counsel and they
25 were all fairly automated and so there was not much

1 for her to have to do. I mean, as a matter of
2 course, she probably read through those bills that
3 went to the floor, but that really would have just
4 been a formality, not something that was necessary
5 or I don't even recall asking her to do it, but she
6 may have done it.

7 Q. Michelle McGee, do you recognize that
8 name?

9 A. Yes. She was our meeting coordinator
10 and has now moved on headed to law school.

11 Q. So she was pre-law when she was
12 coordinating meetings; is that correct?

13 A. Yes, ma'am. No, she wasn't pre-law.
14 She was private sector not in school but was a
15 full-time employee of the Senate. Her title, I
16 believe, was meeting coordinator for the Senate
17 judiciary committee. She had no role in drawing of
18 any of the maps. She coordinated the meetings,
19 made sure the trains were running on time, and we
20 got where we needed to be, and the documents were
21 in the right folders in the binders and all that.

22 Q. And when you're talking about meetings,
23 you're not talking about the meetings with
24 Mr. Gore, you're talking about meetings with
25 legislature?

1 A. Oh. Yes, ma'am. No, public meetings.
2 Public meetings. She didn't coordinate any of the
3 meetings with members about maps. She didn't have
4 anything to do with that. Nothing to do with
5 meetings with Gore. She coordinated the public
6 meetings so the subcommittee meetings, the full
7 committee meetings, the road show meetings we had
8 in July and August. That was her role.

9 Q. And tell me a little bit more about
10 Ms. Benson. If you could provide very helpfully
11 like you did with Ms. Baker and Ms. Faulk sort of
12 how much of her time was dedicated to congressional
13 redistricting and what her role was?

14 A. Sure. Her role is she's been with the
15 Senate -- either the Senate or the law library for
16 35 years. She has a great way of drafting talking
17 points and things that, you know, the members would
18 want to use. She did a lot of that. I think
19 exclusively she was the person that drafted Senator
20 Rankin's talking points. She probably drafted some
21 talking points for Senator Campsen just because she
22 has a good way with words and has been writing for
23 years and years and years and years and years.

24 I would say she was in the map room
25 50 percent of the time maybe, 60 percent of the

1 time. And I think she has -- I don't know if she
2 worked on all the four past redistricting. She's
3 been working on redistricting for a long time. I
4 can say that.

5 Q. Have you sought any legal advice about
6 congressional redistricting from any of the Senate
7 redistricting subcommittee members?

8 A. Legal advice, no.

9 Q. Are any of those members lawyers?

10 A. Yes, they are.

11 Q. And going back, is any of the Senate
12 judiciary staff that we've talked about so far, are
13 any of them black people?

14 A. I don't believe so, no.

15 Q. And can you identify the members of the
16 Senate redistricting subcommittee?

17 A. Off the top of my head, I think it's
18 Campsen, Harpootlian, Margie Bright Matthews, I
19 think Senator Rankin, Scott Talley. Did I say
20 Ronny Sabb already?

21 Q. No.

22 A. Okay. Ronny Sabb. I think that I may
23 have missed somebody there, but I think that's
24 them.

25 Q. Senator Young?

1 A. Yeah, Senator Young, but he dropped off
2 when Senator Leatherman passed away and we got the
3 finance.

4 Q. Did you communicate about congressional
5 redistricting -- would it be fair to say that you
6 communicated with each of those subcommittee
7 members with respect to congressional
8 redistricting?

9 A. All of them, yes. Yes. All of them,
10 yes. The folks down in the low country area more
11 because they have more involvement with it.

12 Q. What about the staff of those committee
13 members? Did you communicate with any subcommittee
14 staff?

15 A. Subcommittee staff?

16 Q. Yes. Oh, the staff with subcommittee
17 members. I'm sorry.

18 A. So that -- okay. So yes. Yes. Would
19 have been Brian Cohl, who is Senator Campsen's
20 staffer, yeah. We talked with him some about it.

21 Q. And what did you communicate with him
22 about?

23 A. Specifics I don't remember, but I think
24 it was kind of, you know, what Senator Campsen --
25 you know, research he did for Senator Campsen. You

1 case and that's how that was determined.

2 Q. And once again, are John Gore and/or
3 Mr. Terreni the two people you feel are responsible
4 for assessing compliance with this Senate
5 guideline?

6 A. Well, with all of the requirements of
7 federal law, yes, that's who we turned to.

8 Q. Take a moment to look at Roman Numeral
9 II, Contiguity. Is this a federal law requirement?

10 A. I don't know. I don't know. That's
11 one that I've always -- that one is -- that's just
12 something I think is just -- I don't know. I don't
13 know. But I know that's something that is
14 irrefutable. I mean, you can't have a district
15 that's in two different parts of the state. I
16 don't know if it's federal law though.

17 Q. What does contiguity mean to you?

18 A. Touching or -- and all of our maps
19 again were reviewed by outside counsel and no one
20 ever raised the issue of contiguity.

21 Q. What is the difference between land and
22 water contiguity?

23 A. Land contiguity and water contiguity,
24 again, outside counsel is who we referred to on
25 this. I think outside counsel's recommendation

1 there was that water contiguity is acceptable. I
2 don't remember where that comes from, but that was
3 another thing that we referred to outside counsel
4 and they found acceptable.

5 Q. Looking to the next category, Roman
6 Numeral III, Additional Considerations. It's on
7 the next page. Do you mind --

8 A. Sure.

9 Q. Well, I guess I'll look at it myself.
10 Is it fair to -- under Roman Numeral III,
11 Additional Consideration, it reads, Other criteria
12 that should be given consideration, where practical
13 and appropriate, in no particular order of
14 preference.

15 Am I reading accurately what follows
16 that category?

17 A. Yes, ma'am.

18 Q. Okay. Did you understand the things
19 that follow in this part of the Senate guidelines
20 to be of lower priority to compliance with federal
21 law and the categories that preceded this section?

22 A. That wasn't my understanding, but
23 that's -- well, yeah, based on outside counsel's
24 advice, yes, these were things that could not, you
25 know, or should not be considered over the

1 federal --

2 Q. But --

3 A. -- guidelines.

4 Q. I'm sorry. I cut you off.

5 A. I'm sorry. My understanding from
6 outside counsel is that this stuff in No. III are
7 additional considerations that were not as
8 paramount as the federal -- requirements of federal
9 law, and then additional considerations, I think in
10 here it tells you in this document the difference
11 between the two.

12 Q. And the words that I read, other
13 criteria that should be given consideration, where
14 practical and appropriate, in no particular order
15 of preference, does that also give support for the
16 idea that these are of lower priority than the
17 federal requirements that precede it?

18 A. I mean, that could be construed that
19 way, yes, ma'am. It's up to members of the Senate
20 to consider whatever they want to consider when
21 they're making decisions. And when those decisions
22 were made and turned into maps based on those
23 decisions how they wanted the map drawn, we then
24 submitted them to outside counsel to review.

25 Q. Looking at subcategory III(A), what is

1 your understanding of what a community of interest
2 is?

3 A. Well, I think it defines it.

4 Q. What do you understand it to mean?

5 A. Areas defined by geographic,
6 demographic, historic or other characteristics that
7 cause people to identify with one another,
8 including economic, social, cultural, language,
9 political, and recreational activity interests
10 common to the area's population may constitute
11 communities of interest. Communities of interest
12 may be overlapping and may consist of one or more
13 formally, or informally, defined geographic areas
14 with unifying common interests.

15 Q. Thank you for reading it fast and just
16 let's remember Ms. Beckham, who, I'm sure, got a
17 little workout.

18 What is an area defined by a geographic
19 characteristic?

20 A. I mean, I don't think there's a single
21 definition for that.

22 Q. Is it a neighborhood, a precinct?

23 A. It could be. It could be a precinct.
24 I mean, for our purposes, I can tell you that one
25 thing we did really really really really -- I think

1 you can tell this -- that the members really wanted
2 and I think what the public wanted was to minimize
3 splitting up VTDs and we did that.

4 Q. What are VTDs?

5 A. They are voter tabulation districts.
6 There's a fine distinction between them and
7 precincts. I think VTDs is the term that the
8 census bureau uses, and precincts are areas that
9 the state can change as they feel they need to.
10 But we tried to get precincts lined up with VTDs.
11 That was part of our recommendation from outside
12 counsel to make the map as clean as possible.

13 Q. And looking at III(E), does this Senate
14 guideline carve out VTDs as a separate additional
15 consideration irrespective of communities of
16 interest?

17 A. Yes. But I don't think it can't
18 operate in concert. And in the mind of any senator
19 or member of the Senate, you know, I think they
20 could consider those together or apart or
21 intermingle as they decided to.

22 Q. A demographic characteristic, what does
23 that mean to you?

24 A. I guess that could be anything from,
25 you know, age to race to economic status. Again,

1 that's probably something that's a subjective term
2 that could be up to whatever member of the Senate,
3 you know, wanted to interpret it as they asked us
4 to draw the map.

5 Q. You earlier mentioned that Will Roberts
6 and you in the map room and others had access to
7 race data. Can you tell me a little bit more about
8 what data you had?

9 A. I'm hardly an expert in all the DOJ
10 black, BVAP, non-Hispanic black. It was that sort
11 of information. I don't know the distinctions very
12 well, but it was information from the census.
13 There's some documents in here that y'all have
14 shown, you know, the charts that they produced that
15 reflected that information.

16 Q. How did Will Roberts with you in the
17 room consider race in developing any of the maps
18 that you drew in that map room?

19 A. I'm not aware that he did that at all.
20 If a member of the Senate in their own mind
21 considered it and then asked us to draft something,
22 they may have. I don't know. The maps were
23 drafted with the instruction numbers. So it wasn't
24 a matter of Will considering the information, it's
25 not a member presenting the information, and then

1 us presenting the information and the maps to our
2 outside experts who then decided whether or not
3 they passed federal common law.

4 Q. Are you aware of whether race data was
5 loaded into the computer that y'all shared in the
6 map room?

7 A. Oh, yeah. It was, yeah, for sure.

8 Q. Was it on a screen projected on the
9 wall at any time as you were developing maps?

10 A. I was not developing maps, but as
11 members came in and wanted to talk about maps, yes,
12 members came in and asked about those numbers.

13 Q. For the maps that were transmitted to
14 Mr. Terreni and Mr. Gore, did they include
15 associated data with them?

16 A. I'm sure they did. I'm sure Charlie
17 Terreni saw the associated data when he was in the
18 room and I'm sure Will would bring set statistics
19 to John Gore when they sent any map to us.

20 Q. And are you aware of whether race data
21 was one of the categories of data that was part of
22 that?

23 A. I believe it was, yeah.

24 Q. What other ways was race considered as
25 maps were developed, congressional maps were

1 to, I guess, a lesser extent Mr. Breeden, is there
2 anyone else who was involved in the initial Staff
3 Plan development?

4 A. I'm not sure there was some discussion
5 with members. I don't recall specifics. I don't
6 remember if at that point we already knew that Luke
7 Rankin, for example, didn't want the 7th changed at
8 all. I think we probably knew that. I can't
9 recall. It would have been broad strokes like
10 that.

11 Campsen may have mentioned, you know,
12 talked to congressman in Charleston and keeping the
13 blue -- I'm sorry, the red nature, slight Trump
14 advantage. He may have mentioned that to us. I
15 don't remember that far back.

16 Q. How did public input from the ten
17 hearings that you attended, how was it reflected or
18 implemented in that initial Staff Plan?

19 A. Well, I mean, I think we took some of
20 it into account. I mean, I don't remember exactly.
21 I do not remember specific outside input prior to
22 the staff map being put into the staff map, but the
23 general sense we got from the public and all that,
24 I think that was all to be refined by the members
25 based on what weight they had, what weight they put

1 on different testimony and different criteria in
2 the maps.

3 Q. What data did you rely on to develop
4 the initial Staff Plan?

5 A. Census data. I don't remember the
6 extent to which we relied on political data, but I
7 assume we did because they wanted the least change
8 map. I'm almost positive we at some point had
9 instruction from somebody, maybe Senator Campsen,
10 to make sure that Congressional District 1 retained
11 its political numbers. I can't recall for sure.

12 Q. How many meetings were held to develop
13 this initial plan?

14 A. I don't remember.

15 Q. More than one?

16 A. Oh, yeah. I'm sure.

17 Q. How many versions of the initial Staff
18 Plan became the one that was introduced on the
19 23rd?

20 A. I don't recall.

21 Q. Were the guidelines consulted during
22 development of the initial Staff Plan?

23 A. Yes.

24 Q. And who assessed whether the guidelines
25 had been followed in the development of this

1 initial Staff Plan?

2 A. I think in the initial phase, it would
3 have been, you know -- Charlie would have been the
4 main word in the room whether or not we were
5 following the guidelines appropriately. Paula was
6 in the room; I was in the room; Will was in the
7 room; Breeden was in the room. I don't know that
8 any one of us, you know, assumed the primary
9 enforcer of guidelines, but clearly Charlie's
10 experience and Will's experience and Paula's
11 experience, they had, you know, more experience.
12 So they had more experience, I suppose.

13 And then I do believe we sent it to
14 Gore before we published it as the Staff Plan. I'm
15 almost positive we did.

16 Q. I probably will not go through all the
17 criteria, but without doing that, is it your
18 position that multiple people assessed whether the
19 one person, one vote had been complied with with
20 the initial Staff Plan or was there one person?

21 A. With that with one person, one vote, I
22 would say that was just Will with his computer
23 because, I mean, he could see it. He could get it
24 down to one person, one, you know, deviation. That
25 wasn't a judgment call really, that was just a

1 fact.

2 Q. What about Section 2? Who was
3 responsible for assessing whether or not the
4 initial Staff Plan complied with Section 2 of the
5 Voting Rights Act?

6 A. That would have been outside counsel,
7 Charlie Terreni and John Gore.

8 Q. Are you aware of whether a second
9 majority black district or district comprised of a
10 majority of black voters was attempted to be drawn
11 during the congressional redistricting process?

12 A. I don't recall that. If it happened,
13 it wasn't -- I don't recall that, no. It might
14 have been maybe, but I don't remember. You mean
15 two minority-majority districts?

16 Q. Yes.

17 A. I don't think so. I don't recall.

18 Q. Do you recall being aware that it was
19 not possible one way or the other to draw two, one
20 more than what had been in place?

21 A. I mean, I don't think I was -- me
22 personally from my own personal information, I
23 wasn't aware of that, but I think we -- I don't
24 recall talking about that so, I mean, were we aware
25 of that? I don't really remember. I mean, from my

1 recollection -- I guess we'd call this an eyeball
2 test -- I don't remember it being possible.

3 Q. And do you think you can make a
4 determination about whether there can be a majority
5 black district based upon an eyeball view?

6 A. Well, I mean, looking at it, looking at
7 the map and where the population was, I just don't
8 think we thought -- and this is in Section 2 House
9 so it would be much more in Charlie's wheelhouse,
10 but I don't think -- and also no one ever came to
11 us and asked us to do one either, so I think those
12 are the factors that kind of led us down that path.
13 I don't recall anybody ever asking us to do that.

14 Q. But you are not aware of anyone
15 affirmatively attempting to draw an additional
16 majority black district?

17 A. No. I don't recall ever doing that,
18 no.

19 Q. Was the political data, the 2020
20 presidential election data considered during the
21 development of this initial Staff Plan?

22 A. I believe so, yes.

23 Q. Was a racially polarized voting
24 analysis conducted during consideration of this
25 initial Staff Plan?

1 MR. TYSON: Objection; asked and
2 answered numerous times.

3 THE WITNESS: No. Not to my knowledge,
4 no.

5 BY MS. ADEN:

6 Q. Who would have been responsible for
7 making the assessment that the initial Staff Plan
8 was not a racial gerrymander?

9 A. We would have relied upon Charlie
10 Terreni and John Gore.

11 Q. What about whether the districts were
12 contiguous? Who would have made that assessment in
13 the initial Staff Plan?

14 A. It would have probably been -- Will
15 drew the map so he could see whether things were
16 produced or not. So we all looked at the map, but
17 he was actually drawing a map so that's pretty much
18 a no brainer to draw a map that's contiguous.

19 Q. And what about communities of interest?
20 Who would have taken responsibility to ensure that
21 those kind of guideline criteria respecting
22 communities of interest was respected, reflected in
23 the initial Staff Plan?

24 A. I think it would have been a kind of
25 everybody in the room discussion.

1 Q. And what about constituent consistency?
2 Who would have been responsible for making that
3 determination?

4 A. Again, everybody in the room
5 discussion. And by seeing the map, you know, which
6 didn't change a lot of lines -- just about anybody
7 could make that initial change -- but again, this
8 was a first staff map so I don't know that we
9 really were cognizant of everything because we knew
10 it was going to change. We knew the numbers were
11 going to change it.

12 Q. And who would have been responsible for
13 determining whether the plan minimized divisions of
14 counties, cities and towns, and/or splits of VTDs?

15 A. I think those are again numbers that
16 really would have happened but not determined.
17 It's just what the numbers were.

18 Q. And district compactness?

19 A. Compactness?

20 Q. District compactness.

21 A. Yeah. I mean, I guess, you know,
22 everybody in the room kind of again looked at it
23 knowing that we were going to have many changes.
24 And all this would have gone on the back end up to
25 Charlie Terreni and John Gore.

1 Q. Have you heard of the term
2 effectiveness analysis?

3 A. I have not. Well, I can't place it. I
4 don't recall.

5 Q. During discussion of the initial Staff
6 Plan or development of the initial Staff Plan, was
7 there discussion about increasing, decreasing, or
8 maintaining the black voting age population in
9 particular districts?

10 A. No. I mean, I think everyone was
11 cognizant that, you know, drastic changes in a
12 staff map -- drastic changes meaning that we were
13 requested to produce a least change map was always
14 undoubtedly with problems. In answering all these
15 questions I'm giving, that was something we thought
16 about.

17 Q. Did you set out to preserve the same
18 number of majority-minority districts in the
19 initial Staff Plan as existed in the 2011 Staff
20 Plan?

21 A. Because it was a least change map plan,
22 I think that was sort of the necessary result that
23 came about.

24 Q. What role did partisan considerations
25 play in the development of the initial Staff Plan?

1 A. I think we're cognizant -- again, this
2 is from -- I'm pretty sure we talked to Senator
3 Campsen about this, that he wanted the 1st district
4 to stay a Republican-leaning district.

5 Q. Did you set out to keep the black
6 voting age population in CD6 the same as in the
7 Benchmark Plan in your endeavor to do a least
8 change map?

9 A. It wasn't the first thing we looked at
10 no, huh-uh.

11 Q. Was it something you looked at down the
12 road about whether the black voting age population
13 in CD6 looked similar to or was the same as in the
14 2011 benchmark map?

15 A. I don't remember if we did. We may
16 have. I don't remember.

17 Q. Did someone give you a direction or you
18 or others in the room developing that map on the
19 number of majority-minority districts that the
20 initial Staff Plan should include?

21 A. No. But the instructions for least
22 change map, I think, would follow that.

23 Q. Did you have any target be the target
24 in any district outside of CD6?

25 A. I don't think we had a target do that

1 in any district.

2 Q. Did you have a goal of getting BVAP in
3 any particular district outside of CD6?

4 A. No. We didn't have a goal in CD6 per
5 se. There was no goal to sort of say get CD6 BVAP
6 on any district.

7 Q. But there was a goal to keep the map as
8 minimally changed at least as Senator Rankin --

9 A. Correct. Yes, ma'am.

10 Q. Turning to November 29th, after the
11 Senate Redistricting Committee published the map,
12 what, if anything, did you do on congressional
13 redistricting from November 23rd until the 29th
14 when it was published?

15 A. You know, I don't recall exactly what
16 was going on at that point. That would have been
17 around Thanksgiving?

18 Q. Around that time, yes.

19 A. Then probably not too much because that
20 week was probably shut down or at least not very
21 active because it was Thanksgiving.

22 Q. For the November 29th hearing, did you
23 prepare any materials?

24 A. I did not that I recall.

25 Q. Were those materials similar to the

1 ones you described for earlier hearings?

2 A. Yeah. I can't remember which meeting
3 that was. Was that the one to receive comment
4 about the staff map?

5 Q. Exactly. And this is the one where, to
6 refresh your memory, Senator Harpootlian talks
7 about NRRT and Mr. Roberts introduces the initial
8 Staff Plan.

9 A. Right. Okay. No, he would have
10 prepared -- Mr. Roberts would have prepared his
11 little narrative of what the Staff Plan did. And
12 I'm sure that we had the Staff Plan in notebooks.
13 And I'm not sure if we had other plans in there,
14 but I don't think so.

15 Q. What was your role at that hearing on
16 November 29th?

17 A. I was sitting on the back row right
18 behind Senator Harpootlian just watching and seeing
19 how members reacted to the map and listened to what
20 they had to say about the map.

21 Q. Is that the role that you played in all
22 the hearings or did you have different roles
23 depending upon the hearing?

24 A. No. That's pretty much my role. I
25 listened and talked to them later about it and

1 asked them, hearing what they wanted done.

2 Q. Were you providing legal guidance or
3 advice to any members during any of the hearings?

4 A. I don't believe so, no, huh-uh.

5 Q. Was anybody?

6 A. Mr. Terreni was there. I don't recall
7 how many times someone asked for legal advice, but
8 he would have been the person for it.

9 Q. Did you have any concerns that a
10 minimal change plan could carry over concerns that
11 voters may have had with the previous 2011 map?

12 A. I'm sure it had something to do on the
13 map. I'm sure, because there were people concerned
14 about being the least change map, yes, obviously,
15 we should do that.

16 Q. During that hearing, do you recall any
17 concerns about the process for rolling out
18 congressional maps not being transparent?

19 A. I think there were some folks that were
20 concerned about -- I want to say there was some
21 people concerned about technology barriers, you
22 know, some folks not able to use the Internet.

23 Q. Do you recall any concerns about
24 packing and cracking of black communities in the
25 initial Staff Plan?

1 A. I don't recall. I'm sure someone,
2 probably a member of the public, maybe said
3 something like that. I didn't get anything from --
4 I don't recall questions from members about it.

5 Q. Okay. I want to next briefly discuss
6 the congressional proposals from the House side and
7 we can move through these pretty quickly. In
8 December, were you aware that the House
9 Redistricting Ad Hoc Committee was working on its
10 first Staff Plan?

11 A. For congressional?

12 Q. For congressional.

13 A. I'm sure I was. I don't particularly
14 recall that. I'm sure I was aware of that, yes.

15 Q. Were you aware of when the House
16 released its first Staff Plan on December 13th?

17 A. I was.

18 Q. Did you review that plan?

19 A. I looked at it. I didn't do any sort
20 of in-depth analysis of it.

21 Q. Is this the time where you met briefly
22 with Patrick Dennis or do you think that was a
23 different occasion?

24 A. Are you talking about their formal
25 meeting?

1 Q. The ad hoc was working on a plan and
2 they released it on December 13th. And I guess my
3 question is is that when -- like how did you know
4 that it was released on the 13th? Is that when
5 Patrick Dennis shared it with you? Did you follow
6 it in the legislative process?

7 A. I would have been following it a little
8 bit, yes. And I can't remember exactly when
9 Patrick Dennis showed me that on the map.

10 Q. Did you have any input into that plan,
11 the Staff Plan for the House?

12 A. No.

13 Q. What did you think about that plan?

14 A. I didn't really have any thoughts on
15 the plan. My job was to get a Senate plan together
16 so I didn't -- I don't recall having any sort of
17 in-depth review of it ever happening.

18 Q. Were you aware of the hearing the House
19 held on the ad hoc plan on December 16?

20 A. I probably was aware of it. I wasn't
21 at it. I don't recall much.

22 Q. Did you attend that hearing?

23 A. Not that I recall.

24 Q. Did you talk to people about it?

25 A. Not that I recall, no.

1 Q. Were you aware when the House
2 Redistricting Ad Hoc Committee released an
3 alternative Staff Plan on December 22nd?

4 A. I'm sure I was.

5 Q. Do you think you reviewed that plan?

6 A. If I did, it was very briefly. I
7 didn't do a major analysis of it.

8 Q. Were you aware that it was based on the
9 staff's initial Staff Plan -- the Senate's initial
10 Staff Plan?

11 A. Okay. Now you jogged my memory. Yeah,
12 I think that is the case. Yes, I do recall that.
13 Yes.

14 Q. And did you have any input into the
15 House's alternative plan?

16 A. I did not.

17 Q. What did you think about their plan,
18 the Alternative House Staff Plan?

19 A. This is the one that looks strangely
20 similar to the Senate plan?

21 Q. Yes.

22 A. I thought it was probably a compromise
23 that a good percentage of this report, they could
24 agree to go along with the Senate. If it was based
25 on the Senate plan already, then the majority of

1 the senators -- it's just like any piece of
2 legislation. If the House comes back with a piece
3 of legislation that substantially tracks the
4 Senate's version of a piece of legislation, as
5 opposed to a different document, a different draft
6 the House passed, we would just intuitively know it
7 still had a chance to pass. That's what my thought
8 would have been.

9 Q. Thank you.

10 Were you involved in any conversations
11 about the House staff's plan mirroring the Senate's
12 initial Staff Plan with any leadership in the House
13 or Senate?

14 A. Leadership, no. I'm sure as staffers
15 we probably, you know, we noticed what they were
16 doing. When we found out what they were doing, I
17 probably thought to myself, well, this might make
18 our lives easy because they were doing something
19 that was similar in the past.

20 Q. Were you aware of the hearing that the
21 House held on this alternative Staff Plan on
22 December 29th?

23 A. I'm sure I was aware of it. I don't
24 recall going to it or watching it or reading about
25 it.

1 Q. Do you recall learning about similar
2 concerns that the House's alternative plan as
3 compared to the Senate's initial Staff Plan packed
4 and cracked black voters?

5 A. Someone may have said that, but I do
6 not personally recall that.

7 Q. Turning to the Senate's Second Draft
8 Plan, I'm now marking an email -- this is tab 70 --
9 which is from Chip Campsen to John Breeden [sic]
10 and you're copied on it. It's dated January 11th,
11 2022, and it attaches a Plan Comparison Sheet. It
12 is South Carolina Senate 22549 to 22550.

13 MR. AUDAIN: Leah, tell me again what
14 tab it is.

15 MS. ADEN: Tab 70 for us, I hope.

16 (EXHIBIT 13, Email from Chip Campsen to
17 Breeden John dated January 11, 2022, Bates labeled
18 SCSENATE_00022549, was marked for identification.)

19 THE WITNESS: 22549?

20 BY MS. ADEN:

21 Q. 22549 to 2250 -- 22550?

22 A. Yes, ma'am. I've got it.

23 Q. Okay. Do you recall receiving this
24 email?

25 A. I don't recall receiving it. I do

1 recall this bit. I think he was trying to decide
2 how many people in Daniel Island.

3 Q. Was it common for Senator Campsen to
4 use his personal Gmail to correspond about
5 congressional redistricting?

6 A. No, huh-uh. I mean, not that I can
7 recall. He didn't do a lot of email so, no.

8 Q. Were you involved in the preparation of
9 the data reported here?

10 A. No.

11 Q. Do you know why there was a focus on
12 Charleston and Daniel Island?

13 A. Because that's the area that Chip
14 Campsen represents.

15 MS. ADEN: Raymond, I'm not sure if 15
16 is the right document that you've uploaded into
17 Exhibit Share. It's South Carolina Senate 22549,
18 22550, which you might see at the end. Are you
19 hearing me because I can't hear you.

20 MR. AUDAIN: Yeah, I'm hearing you.
21 We're at 13. You said tab 70?

22 MS. ADEN: Yes. Oh, wait. I
23 understand why. I somehow got into the wrong
24 folder.

25 Can we go off the record for just two

1 minutes? I want to make sure I'm in the right
2 folder.

3 THE REPORTER: Yes.

4 MS. ADEN: Okay. I'm back. Thank you.

5 BY MS. ADEN:

6 Q. If you could look at the document
7 titled 2250 or Bates stamped 22550, I apologize.

8 A. I don't see one marked that, but it's
9 the next page, I assume.

10 Q. Yeah, I think it fell off. I apologize
11 for that too. South Carolina Senate 22550.

12 A. Yep. I've got it.

13 Q. What information is this chart
14 reporting?

15 A. It looks like it's got -- is it maybe
16 that 19,000 people or subtracted 19,000 people from
17 Charleston and Daniel Island? Looks to be
18 comparisons population.

19 Q. So the DI in the second set of data on
20 the bottom, DI is referring to Daniel Island?

21 A. I think so.

22 Q. And does it look like it's reporting
23 the population numbers and Trump support in several
24 counties under various plans?

25 A. Yes, it is.

1 Q. And the counties include Charleston,
2 Berkeley, Dorchester, and Beaufort?

3 A. Yes.

4 Q. And the plans considered are the
5 Benchmark 2011 plan, the Senate Staff Plan, the
6 House Judiciary Plan, and the House Judiciary Plan
7 Senate Amendment 1?

8 A. Yes.

9 MR. TYSON: Leah, I don't know, did you
10 say Benchmark 2011?

11 MS. ADEN: Sorry, 2020. Thank you for
12 correcting me. Benchmark 2020.

13 BY MS. ADEN:

14 Q. Is it Benchmark 2020 or does it
15 actually say? But would you assume that it would
16 be or do you know?

17 A. With the number that, I would assume it
18 would be. I don't know. I couldn't tell you from
19 this document.

20 Q. Looking at all of the measures -- and I
21 want to focus on the Trump column -- does it
22 reflect that in all of the plans compared -- and
23 again, we don't know which benchmark we're
24 referring to, but between the plans compared, that
25 in Charleston, Berkeley, Dorchester, and Beaufort,

1 that the Trump share of the vote increased from the
2 Benchmark Plan?

3 A. Yes. I think you can see.

4 Q. From 53 percent to over 54 percent in
5 some of those areas?

6 A. Yes.

7 Q. And it looks like under both measures,
8 the top columns -- the top rows and the bottom
9 rows, that the population of Charleston is reduced
10 significantly from the Benchmark Plans or reduced?

11 A. Yes. I think so.

12 Q. Is this the type of political data that
13 we've been discussing this afternoon that was
14 reported with plans that you and others who were
15 working on plans would provide?

16 A. Sure. Yeah.

17 Q. Did you attend the meeting where this
18 information -- was there a meeting where this
19 information was shared to Senator Campsen?

20 A. I don't recall whether this was
21 something we shared with him at a meeting or got
22 to -- I'm sure at some point he talked with us
23 about it, I'd say. He wouldn't have just received
24 this information cold and not discussed it at some
25 point.

1 Q. So it was customary that if data or
2 information was shared with Senator Campsen, even
3 if it was emailed, you would then subsequently meet
4 with him by phone, in person to discuss it?

5 A. Correct. Correct. Yes. He was very
6 involved.

7 Q. Was that true of other members?

8 A. He was probably the most involved of
9 anyone. Definitely he was involved more.

10 Q. On January 11, 2022, the Senate
11 Redistricting Subcommittee provided a notice that
12 it posted two proposed congressional plans to be
13 considered on January 13 two days later. Do you
14 recall that?

15 A. Yes. I think I do, yeah, uh-huh.

16 Q. Do you have any concerns that there
17 wasn't enough notice to the public for them to
18 meaningfully review the two proposed maps between
19 when notice was published and when the hearing was
20 held?

21 A. I mean, obviously that's a short period
22 of time, but we were -- I think my recollection is
23 that we were on deadline set by court so they
24 wanted us moving.

25 Q. Now onto the proposed plans. Would you

1 agree that one was an amendment by Senator
2 Harpootlian and the other was a plan generated by
3 staff including you?

4 A. The other one was one created primarily
5 by staff at the direction of Senator Campsen so it
6 wasn't just a Staff Plan. Campsen was involved
7 with it. I want to say Grooms was involved with
8 it. There was some other things that other members
9 were involved with it, I believe. I would say the
10 member most involved was Senator Campsen.

11 Q. Can we call the Staff Plan with input
12 from Senator Campsen the Second Senate Staff Plan
13 for purposes of discussing it for the next few
14 minutes?

15 A. I'm sorry, I didn't quite catch that.

16 Q. The one that was developed by staff and
17 you said with some direction from Senator Campsen,
18 can we refer to that colloquially as the Second
19 Senate Staff Plan?

20 A. I would say even more accurately for
21 sure there was much more member input there so it
22 would be maybe the Subcommittee Draft Plan. I
23 can't just say draft plan. I get you're trying to
24 just make it easier to talk, but I don't want it
25 lost in the shuffle and have people maybe read this

1 and say, oh, that was the Staff Plan. It wasn't.

2 Q. But it was the second plan produced by
3 the subcommittee?

4 A. Yes. I mean, that's fair.

5 Q. And was it also referred to in the
6 public testimony as Senate Amendment 1?

7 A. I believe it was. I just know there
8 was one that was basically the Campsen and then the
9 other one was the Harpootlian Amendment.

10 Q. And the Harpootlian plan, do you recall
11 it being referred to as Senate Amendment 2 in
12 discussions on the floor?

13 A. I think so, yeah.

14 Q. When did the process start for the
15 development of the Campsen 1 -- what are we
16 referring -- I would just like something. How will
17 you refer to the Campsen Plan as compared to the
18 Harpootlian Plan so that we can be on the same
19 page?

20 A. I would maybe call it Campsen Plan. He
21 was the subcommittee member that had the most
22 involvement.

23 Q. When did the process start in the
24 development of the Campsen Plan?

25 A. I don't specifically recall.

1 Probably -- I think there were -- I don't remember.
2 I don't remember. There was obviously elements of
3 that Campsen Plan that came from the Staff Plan.
4 So I guess in earnest it probably happened sometime
5 before that subcommittee admitted the Staff Plan.

6 Q. And you mentioned staff and Campsen
7 primarily worked on it. Which staff members are
8 you referring to with respect to the Campsen 1
9 Plan?

10 A. The people that were in the room at
11 that point in time would have been the same as
12 usual, Charlie Terreni, Will Roberts, myself,
13 Breeden John, and in and out Paula Benson and Maura
14 Baker.

15 Q. Maura Baker?

16 A. Maura Dawson Baker, yes, ma'am.

17 Q. Okay. What about Senators Bright
18 Matthews, Sabb, and/or Harpootlian? Were they
19 involved in the Campsen 1 development?

20 A. Yeah. I mean, I guess you could say
21 they were. Harpootlian, I don't think was. But I
22 can't say to the extent of which the other plans
23 that we drew from Margie Bright Matthews and Ronnie
24 Sabb affected the Campsen Amendment off the top of
25 my head. But, I mean, they would have seen it.

1 They would have looked at it for sure, I think. I
2 may be mistaken, but I think they would have
3 probably seen it.

4 This was about the same time we had
5 drafted plans for them that were never offered as
6 amendments like the Sabb -- I specifically remember
7 a plan that Will drew at Sabb's direction that kept
8 Charleston whole. It was called Charleston Strong.
9 So, I mean, to the extent we saw that plan and we
10 then talked to him about the other plan and talked
11 to Campsen, I'm sure there was some interplay
12 there. I just don't remember exactly how much it
13 was. I can't recall it.

14 Q. And this Campsen Plan, was NRRT
15 involved in its development at all?

16 A. No.

17 Q. Anyone from the House?

18 A. No.

19 Q. How many meetings roughly do you think
20 it took to come up with the Campsen 1?

21 A. Public meetings or meetings with him?

22 Q. Meetings with him.

23 A. I can't -- I would say maybe eight to
24 ten here and there of different phone calls. I
25 mean, yeah, it was...

1 Q. Did he come into the map room for the
2 development of this one plan?

3 A. Sometimes he did and I think other
4 times he Zoomed and other times it was just phone
5 calls.

6 Q. What data did you rely on to develop
7 the Campsen 1 Plan?

8 A. The same data we relied on most of the
9 time, you know, information like we've got in the
10 this whatever it is you've got marked 22550. I
11 mean, that's sort of the type of information we're
12 looking to see where the population moved. So,
13 yeah, that would be typical information I would use
14 as an example.

15 Q. So on this chart it looks like
16 population numbers and percentages and vote shares
17 for Trump in the 2020 election, but it -- or I'm
18 not even sure if it's the 2020 election, but vote
19 share for Trump, but it does not include any
20 demographic data based upon race or ethnicity; is
21 that fair?

22 A. Yes, that's fair.

23 Q. So when you were working with Senator
24 Campsen on these approximately eight to ten
25 sessions -- and I understand it's an

1 approximation -- did you consider the BVAPs in any
2 particular district during those conversations?

3 A. I don't recall him ever asking about
4 that. I don't. That's probably why it wasn't on
5 this sheet here that was produced for him. I know
6 I think on the back end someone probably -- we can
7 take a look to see if maybe Charlie or somebody to
8 make sure we didn't do something that wasn't
9 satisfied state or federal constitution. I really
10 almost specifically recall Campsen not asking.

11 Q. Was there one Campsen proposal that was
12 being tweaked or were there various iterations of
13 the map that became Campsen 1?

14 A. I think it was sort of a living,
15 breathing... Over the few days, it was changed and
16 tweaked and, you know, that kind of thing. There
17 may have been more than one, but I don't think so.
18 It was easier just to draw the map and save it and
19 refer to previous versions of the map. So, yeah, I
20 guess you could say in a way there was more than
21 one map because if we did something on a Monday and
22 saved it and then did something on Tuesday, we
23 generally, I think kept that map from Monday just
24 in case it was needed or something. That wasn't
25 always the case.

1 Q. And do you know why the version that
2 became Campsen 1, why that was the one selected
3 from among the other iterations that may have led
4 up to it?

5 A. I seem to recall that's the one he
6 wanted to offer as an amendment.

7 Q. And it was his call?

8 A. I think he offered it as an amendment.
9 I don't remember. That would make sense. I mean,
10 it had to be offered as an amendment and so I think
11 he offered it as an amendment.

12 Q. And did this map also go to the -- you
13 mentioned Mr. Terreni was in the room with Senator
14 Campsen or on phone calls with Senator Campsen when
15 this was developed. Was this map also sent to
16 Mr. Gore to review?

17 A. Yes. I'm sure.

18 Q. Before it was offered?

19 A. Yes. I'm sure.

20 Q. Okay. Was there a subsequent version
21 of a map developed after it went up to Gore,
22 Mr. Gore?

23 A. I don't remember. I don't remember.
24 If there was, it was something that was minor
25 tweaked or if it was anything major, it would have

1 other folks during that time period towards the end
2 of the process.

3 Q. So the point of this was to give him a
4 script to potentially defend Campsen 1?

5 A. No, I don't think it was intended as a
6 script because I don't think it was ever used as a
7 script. I don't recall it ever being used as a
8 script. I think it was just anticipating
9 questions, some of which I think might have been
10 asked, some of them weren't. I don't think it was
11 intended as a script.

12 Q. Prior to other hearings, were there --
13 are you aware whether talking points were created
14 for Senator Campsen for each of the hearings
15 that --

16 A. I recall us creating it and maybe
17 talking it over with Senator Campsen.

18 Q. You do or do not?

19 A. I'm sorry?

20 Q. You do or do not recall?

21 A. I do not recall creating a bunch of --
22 well, I didn't personally that I can remember
23 creating talking points for Senator Campsen. I
24 think we saw some back there that maybe Breeden put
25 together and then the comparison that Will did. I

1 mean, those are probably the closest things to
2 talking points. There probably were some talking
3 points for him on the floor, and I'm sure we
4 produced those, but it wasn't -- every time Senator
5 Rankin ran a meeting, Paula Benson would put a
6 script together for him. I don't know that that
7 was done every time with Campsen so no.

8 Q. At the January 19th hearing of the full
9 Senate judiciary, which I believe you mentioned you
10 were present, what was your understanding of the
11 purpose of that hearing?

12 A. Which one, the last --

13 Q. January 19th, the full Senate
14 judiciary.

15 A. I think that was to report a bill out
16 to the floor that could be taken up on the floor
17 for a congressional plan. I think that's probably
18 the right timeframe. As I mentioned before, we
19 were trying to set it up, so...

20 Q. And do you recall that it was at that
21 hearing where various amendments, particularly the
22 ones by Senator Hutto and another potentially
23 Martin and Harpootlian 3A were presented. Do you
24 recall that?

25 A. I don't recall those specifically, but

1 it sounds correct.

2 Q. Are you aware whether any of those
3 amendments that were offered then were adopted?

4 A. I do not recall that. Name the
5 members' amendments again.

6 Q. There's a Hutto Green Fix 2, a Hutto
7 Amendment 6, a Hutto Amendment 5, a Hutto
8 Amendment 4, a Martin Spartanburg Fix and a
9 Harpootlian Amendment 3A. Are you familiar with
10 any of those?

11 A. Not off the top of my head, no.

12 Q. Are you aware of any amendment being
13 introduced on January 19th when you were at the
14 hearing that passed?

15 A. I don't recall. That Martin one might
16 have. I don't recall. He may have put it down.

17 Q. After the Senate judiciary voted out
18 the Second Senate Staff Plan -- well, let me ask
19 you.

20 Do you agree that the Senate Judiciary
21 Committee voted out the Second Staff Plan,
22 Campsen's Plan, and not Harpootlian's Plan?

23 A. Yes, that's correct.

24 Q. What was your role after that hearing?
25 Did you remain involved in congressional